

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re IBM Subpoena in the matter of:

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Plaintiff and Counterclaim
Defendant,

v.

PLATFORM SOLUTIONS, INC.,

Defendant and Counterclaimant.

CASE NO. C07-80174 RMW (PVT)

Underlying action pending in the United States
District Court for the Southern District of New
York, CASE NO. CV 06-13565 SCR

**[PROPOSED] ORDER SEALING
UNREDACTED PAGES OF IBM'S
OPPOSITION TO HP'S MOTION TO
MODIFY SUBPOENA AND FOR
PROTECTIVE ORDER AND PORTIONS
OF EXHIBITS G, J, & K TO
DECLARATION OF KATHERINE WEALL
IN SUPPORT THEREOF**

**[Per Court's October 9, 2007 Order Re:
Requests to File Documents Under Seal]**

Hearing Date: Off-calendar
Former Hearing Date: October 23, 2007
Place: Courtroom 5
Before: The Honorable Patricia V. Trumbull

1 Good cause appearing therefore, IT IS HEREBY ORDERED THAT the below-listed portions
 2 of the following documents lodged with the Court by International Business Machines Corp.
 3 (“IBM”) on October 2, 2007, shall be filed under seal:

- 4 1. IBM’s Opposition to HP’s Motion to Modify Subpoena and for Protective Order: page
 5 1, lines 10-11; page 3, lines 16-19; page 12, lines 16, 20-23; page 13, lines 1-2, and
 6 page 15, line 19;
- 7 2. Exhibit G to Declaration of Katherine Weall: page 5, lines 16 and 18, page 9, lines 4-5
 8 and page 10, line 1 of the underlying document;
- 9 3. Exhibit J to Declaration of Katherine Weall: page 1, line 4 in the first full paragraph
 10 under “1. The Protective Order”; and
- 11 4. Exhibit K to Declaration of Katherine Weall: page 2, lines 6-7 in the first full paragraph
 12 under “B. HP’s Objections to IBM’s Request for the Production of Documents. 1.
 13 Definitions,” and page 3, line 5 in the first full paragraph under “C. Specific Requests.”

15 **IT IS SO ORDERED.**

16 Dated: October 16, 2007



17 HONORABLE PATRICIA V. TRUMBULL
 18 UNITED STATES MAGISTRATE JUDGE

20 Respectfully submitted,

21 GIBSON, DUNN & CRUTCHER LLP

23 By: /s/ Angelique Kaounis

24 Angelique Kaounis

25 Attorneys for NONPARTY

26 HEWLETT-PACKARD COMPANY

DECLARATION OF SERVICE

I, Joyce Tanabe, hereby certify as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is Gibson, Dunn & Crutcher LLP, 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed in the office of Angelique Kaounis, a member of the bar of this Court, and at her direction, on [October 15, 2007](#), I served the following:

**[PROPOSED] ORDER SEALING UNREDACTED PAGES OF IBM'S
OPPOSITION TO HP'S MOTION TO MODIFY SUBPOENA AND FOR
PROTECTIVE ORDER AND PORTIONS OF EXHIBITS G, J, & K TO
DECLARATION OF KATHERINE WEALL IN SUPPORT THEREOF**

on the interested parties stated below, by the following means of service:

Richard W. Erwine, Esq.
Katherine Weall, Esq.
Quinn Emanuel Urquhart
 Oliver & Hedges, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
[Counsel for IBM]

richardderwine@quinnmanuel.com
KatherineWeall@QuinnEmanuel.com

Ryan C. Kirkpatrick
Susman Godfrey LLP
1901 Ave. of the Stars, Suite 950
Los Angeles, CA 90067
Tel. (310) 789-3107
FAX (310) 789-3016
[Counsel for PSI]

rkirkpatrick@susmangodfrey.com

BY PDF FORMAT: I caused each such document to be transmitted by PDF format, to the parties and email addresses listed above.

1 I certify under penalty of perjury that the foregoing is true and correct, that the original of the
2 aforementioned document(s) was/were printed on recycled paper, and that this Certificate of Service
3 was executed by me on [October 15, 2007](#) at Los Angeles, California.

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5 _____
6 Joyce Tanabe
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